SUPREME COURT, U. S.
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E. ROBERT SEAVER, CLERK

IN THE

Supreme Court of the United States

October Term, 1970

No. 835

ROBERT KENNETH DEWEY,

Petitioner,

v.

REYNOLDS METALS COMPANY,

Respondent.

On Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit

MOTION OF AMERICAN JEWISH CONGRESS FOR LEAVE TO FILE BRIEF *AMICUS CURIAE*

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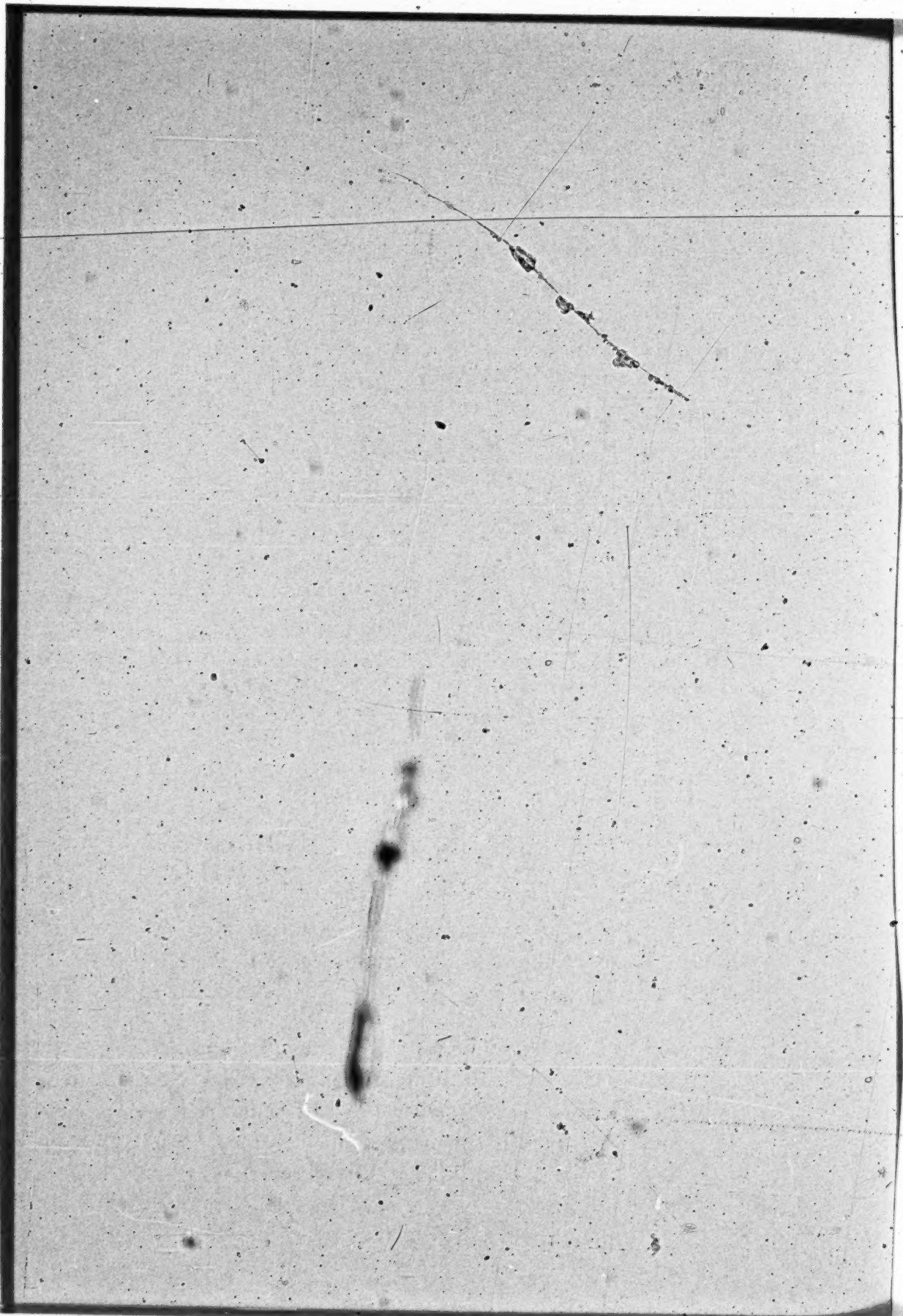

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The undersigned as attorneys for the American Jewish Congress respectfully move this Court for leave to file the attached brief *amicus curiae*.

The American Jewish Congress is a national organization of American Jews, founded more than fifty years ago to protect the religious, civil, political and economic rights of Jews and to promote the principles of democracy. We are especially committed to the guaranty of religious freedom for all Americans and to the goal of equal opportunity,

without regard to race, religion or national origin, as secured by the First and Fifth Amendments and by Federal legislation.

This case raises important questions about the protection against religious discrimination afforded by Section 703(a)(1) of the Civil Rights Act of 1964. The decision below deals with the application of that statute to persons whose religious principles prohibit them from working on specified days of the week. The decision of this Court could therefore affect not only those who, like Dewey, observe Sunday as their day of rest but also the many members of the Jewish community whose religious principles prohibit them from working on Saturday or after sundown on Friday.

Accordingly, the American Jewish Congress has sought the consent of the parties to the filing of a brief *amicus curiae*. Counsel for petitioner Dewey has granted consent. Counsel for the respondent Reynolds Metals Company has withheld consent. Pursuant to Rule 42 of the Revised Rules of this Court, we therefore move for leave to file our brief *amicus curiae*, which is conditionally attached hereto.

It is the purpose of this brief to present to this Court the view that this case should be decided on the basis of the principle that the exclusionary impact of employment practices which are ostensibly applicable to all employees may sustain a charge of discrimination under the Civil Rights Act of 1964. We urge that that approach is consistent with the trend of judicial decisions interpreting other constitutional and statutory prohibitions of discrimination.

Because it is not certain that the petitioner will present this view in his brief and because we believe that our long experience and concern with all forms of religious discrimination gives us an insight on this issue that may be of value to this Court, we respectfully urge this Court to consider our brief in disposing of this case.

March 1971

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